

**UNITED STATES DISTRICT COURT:
SOUTHERN DISTRICT OF NEW YORK**

ESPIRE ADS LLC, THE BLU MARKET, INC.,
ex rel. LISA NAVARRO, THE BLU MARKET
LLC, *ex rel.* LISA NAVARRO, and LISA
NAVARRO individually,

Plaintiffs,

v.

TAPP INFLUENCERS CORP., TAPP MARKET
INFLUENCERS LLC, THE BLU MARKET,
INC., THE BLU MARKET LLC, STEVEN
FORKOSH, BRENNAN KASTNER, and
JUSTIN EMERT,

Defendants.

Civil Action No.: 21-cv-10623 (JKG)
Hon. John G. Koeltl
ECF Case

AFFIDAVIT

STATE OF CALIFORNIA)
) s.s.:
COUNTY OF LOS ANGELES)

JEFFREY R. KLEIN, ESQ., being duly sworn, hereby deposes and testifies as to the following under the penalties of perjury:

1. I, non-party JEFFREY R. KLEIN, am over the age of eighteen (18), of sound mind, and have personal knowledge of the matters set forth herein as I previously served as transactional counsel to plaintiff ESPIRE ADS LLC from time-to-time.

2. On October 30th, 2020, defendants' current counsel, non-party RICHARD L. HERZFELD e-mailed me directly to inform me that the parties had agreed to rescind the Joint Venture Agreement executed August 29th, 2020 ("JV Agreement") and provided me with a proposed rescission agreement, whereupon I responded that I was unaware that the JV Agreement was actually executed, but nevertheless commenced marking-up the said rescission agreement; a true copy thereof has been supplied to plaintiffs' counsel and annexed to his declaration as

“Exhibit 9”.

3. In turn, on October 31st, 2020 at 3:24 PM, defendants’ current counsel, non-party RICHARD L. HERZFELD e-mailed me to inform me that the parties did, in fact, execute the JV Agreement; a true copy of such email from defendants’ current counsel, non-party RICHARD L. HERZFELD has been supplied to plaintiffs’ counsel and annexed to his declaration as **“Exhibit 10”**. *See* Ex. 10 (“Steven said they signed. Please check”).

4. Shortly thereafter I was instructed to cease working on any aspect of the project between the parties. To the best of my knowledge, no rescission agreement was executed.

Dated: May 24th, 2022

Further Affiant sayeth naught.



JEFFREY R. KLEIN, ESQ.

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A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

Subscribed and sworn to (or affirmed) before me on this 24th day of May, 2022, by JEFFREY R. KLEIN, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.



Notary Public

